

CIVIL DOCKET
UNITED STATES DISTRICT COURT

BARROW
Jury demand date: by Defendant 8-10-71

71-C-180

D. C. Form No. 106A Rev.

8

TITLE OF CASE		ATTORNEYS					
ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY a Corporation, vs CHARLES J. LAND		For plaintiff: Ben Franklin FRANKLIN, HARMON & SATTERFIELD 1717 Fidelity Nat'l Bldg. Oklahoma City, Okla 73102 DOERNER, STUART, SAUNDERS, DANIEL, & LANGENKAMP <i>Richard</i> Atlas Life Bldg. <i>585-5541</i> Tulsa, Oklahoma 74103 For defendant: COVINGTON, GIBBON & POE Richard D. Gibbon <i>585-5537</i> 217 Pythian Bldg. Tulsa, Oklahoma 74103					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed <i>6-1-71</i>	Clerk		5-21-71	Franklin	15 00		
			5-27-71	C.D.No. 52			1 500
J.S. 6 mailed <i>5-1-72</i>	Marshal						
Basis of Action: Declaratory Judgment	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-21-71	Complaint for Declaratory Relief. Summons issued. filed. r	
5-26-71	Summons, returned & filed: served Charles J. Land at Vinita, Ok., 5-24-71. (USM \$19.32)	
6-14-71	Motion to dismiss of defendant, filed. ds	
6-14-71	Brief in support of motion to dismiss, filed. ds	
6-14-71	Ordered by the Court that plaintiff reply to defendant's motion to dismiss within ten days with a responsive brief. (AEB-J) ds	
6-22-71	Application for extension of time within which to file brief and order granting extension of time within which to file responsive brief *extension of 7 (seven) days from 6-25-71, filed. (JHP-CC) v	
7-1-71	Plaintiff's response to defendant's motion to dismiss, filed. v	
7-1-71	Brief in support of response to motion to dismiss, filed. v	
8-5-71	Order by the Court that Magistrate hear Deft.'s motion to dismiss. (AEB-J) v	
8-5-71	Hearing held on Deft.'s motion to dismiss. The motion was denied. Pltff. is to prepare an order. Deft. have 30 days to answer. Deft. made oral demand for jury trial. (MLB-Mag) v	
8-10-71	Defendants' Demand for Jury Trial, filed. r	
8-30-71	Order overruling deft's Motion to dismiss and deft is granted 30 days in which to answer herein, filed. (AEB-J) r	
9-7-71	Defendant's answer, and counterclaim, filed. ds	
9-23-71	Motion for separate hearings or trials between declaratory Judgment relief and counterclaim by deft for damages. filed. r	
9-23-71	Pltff's Breif in support of Motion for separtae hearings and trials between declaratory judgment relief and counter-claim by deft. for damages. Filed. r	
9-23-71	Pltff's Reply to Deft's Counter-claim, filed. r	
9-23-71	Ordered by the court, granting defts 10 days from this date to respond to plaintiff's Motion for separate hearings or trials between decalratory judgment relief and counter-claim by deft. for damages. (AEB-J) r	
10-4-71	Deft. cross-petitioner's first interrogatories to Plaintiff, filed. v	
10-4-71	Brief of Deft. cross-petitioner in response to Plaintiff's motion for separate trials, filed. v	
10-19-71	Answer to interrogatories, filed. m	
12-2-71	Pltff's application for order reciting waiver of medical privilege by deft., filed. ds	
12-2-71	Pltff's brief in support of application for order reciting waiver of medical privilege by deft., filed. ds	
1-11-72	Ordered that Magistrate conduct hearing on pltff's motion for separate hearings on trials between declaratory judgment relief and counterclaim by deft. for damages. (AEB-J) hm	
1-11-72	Hearing held on above motion. Motion is denied and deft. counsel to prepare recommendation and formal order within 5 days. Deft. given 5 days to file additional motion to remand with brief & pltff. given 7 days thereafter to reply. (MLB-Mag) (Millie Ballard-CSR) hm	
1-18-72	Deft's Motion to Dismiss, filed. r	
1-18-72	Deft's Brief in support of Motion to Dismiss, filed. r	
1-18-72	Ordered by the Court, the Pltff is directed to respond to Deft's Motion to Dismiss, within 10 days, (AEB-J) r	
2-2-72	Plaintiff's response to defendant's second motion to dismiss, filed. ds	
2-2-72	Brief in support of plaintiff's response to defendant's second motion to dismiss, filed. ds	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-7-72	Findings and Recommendations of Magistrate that pltf.'s motion for separate hearings on trials between declaratory judgment relief and counterclaim by def. for damages, is denied. (MLB-Mag.) <i>rm copies mailed</i>	
2-7-72	Order filed, that motion of pltf. for separate hearings or trials between declaratory judgment relief and counterclaim by def. for damages be denied. (AEB-J) <i>rm copies mailed</i>	
2-15-72	Ordered that Magistrate conduct hearing on pltf's application for order reciting waiver of medical privilege by deft & deft's motion to dismiss. (AEB-J)hm	
2-15-72	Hearing held on above motions. Pltf's application for order, etc., moot & withdrawn by agreement of parties. Deft. given 10 days to file brief in support of motion to dismiss & pltf. given 5 days thereafter to respond. Ruling on motion will thereafter be made without further oral argument. (MLB-Mag)hm	
3-1-72	Brief of def. in support of motion to dismiss, filed. rm	
3-3-72	Parties directed to hold pre-trial prior to 4-5-72 and file pre-trial order not later than 4-14-72. (AEB-J)hm	
3-7-72	Additional brief of plaintiff in response to defendant's second motion to dismiss, filed. ds	
3-28-72	Recommended that deft's motion to dismiss and motion to abate be denied. Pltf. counsel to prepare recommendation & order within 5 days. (MLB-Mag)hm	
4-3-72	Findings and recommendations of magistrate, filed. (MLB-Mag) ds	
4-3-72	Order, filed, that parties be notified that they have 10 days within which to object to recommendations of magistrate, such objections to be accompanied by a brief. If no objections are filed within ten days, such objections shall be waived and the Court will enter an order affirming the recommendations of the Magistrate. (AEB-J) ds <i>copies mailed atty</i>	
4-4-72	Findings and recommendations of Magistrate, filed. (Deft. directed to file objections within 10 days if he so desires.)(MLB-Mag)hm	
4-12-72	Pre-trial order, filed.(AEB)hm	
4-17-72	Order, filed, approving recommendations of Magistrate dated 4-3-72 and granting permission to pltf. to withdraw its application or order reciting waiver of medical privilege by deft. and overruling deft's motion to dismiss. (AEB-J)hm (copies mailed)	
4-17-72	Order, filed, that deft's motion to dismiss is overruled and that deft's motion to abate is denied. (AEB-J)hm (copies mailed)	
4-19-72	Stipulation for dismissal with prejudice, filed. hm <i>order to judge</i>	
4-20-72	Order dismissing plaintiff's cause of action, and dismissing defendant's counterclaim, all with prejudice, filed and entered. (AEB-J)g <i>copies mailed</i>	

*4-6-72
order to judge
copies mailed*

DATE	PROCEEDINGS	Date Order or Judgment Noted